

ARTICLE XV. CONGREGATE LIVING FACILITIES (13 pages)

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| Section 26-XV-1. | Definitions |
| Section 26-XV-2. | Residential Facilities for Persons with a Disability |
| Section 26-XV-3. | Residential Facilities for Elderly Persons |
| Section 26-XV-4. | Design Standards for Protective Housing, Rehabilitation/Treatment Facilities (Both Residential and Nonresidential), Transitional Housing, and Assisted Living Facilities |
| Section 26-XVI-5. | Non-Residential Treatment Facilities |

SECTION 26-XV-1. DEFINITIONS

1. The following definitions shall apply to all sections of Cedar City zoning ordinance and shall supercede any other definition contained in the Cedar City Zoning Ordinance (Section 26):
 - A. ADULT DAYCARE FACILITY. An adult daycare facility means any building or structure furnishing care, supervision, and guidance for three (3) or more adults unaccompanied by guardian for periods of less than twenty-four hours per day.
 - B. ASSISTED LIVING FACILITY. An assisted living facility is a residential facility, licensed by the State of Utah, with a home like setting that provides an array of coordinated support of personnel and health care services, available 24-hours per day, to residents who have been assessed under the Utah Department of Health or the Utah Department of Human Services Rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include:
 - i. specified services of intermediate nursing care;
 - ii. administration of medication, and;
 - iii. support services promoting residence independence and self sufficiency. Such a facility does not include adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.
 - C. BOARDER. Boarder means a person living in a rented room in a boarding house. The boarding house operator or member of his or her immediate family who reside on the premises with the operator, shall not be considered to be a boarder.
 - D. BOARDING HOUSE. A boarding house is a building or a portion thereof where, for compensation, rooms are rented together with meals for not more than fifteen (15) boarders who generally do not directly utilize kitchen facilities. The operator of a boarding house must reside on the premises of the boarding house. The work shall include compensation in money, services, or other things of value. A boarding house does not include a residential facility for disable persons or a residential facility for the elderly. A boarding house does not include a non-residential facility, such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver

rehabilitation, treatment, counseling, medical, protective or other similar services to the occupants.

- E. BUILDING, PUBLIC. For purposes of this section only, a public building is a building owned and operated, or owned and intended to be operated by the City, a public agency of the United States of America, the State of Utah, or any of its political subdivisions. The use of a public building, with immunity, is non-transferrable and terminates if the structure is devoted to a use other than as a public building with immunity. A public building referred to as with immunity under the provisions of this title includes:
- I. properties owned by the State of Utah or the United States Government which are outside of the jurisdiction of the City zoning authority as provided under Title 9, Chapter 10, Section 105, Utah Code Annotated, 1953 as amended; and
 - II. the ownership or use of a building which is immune from the City zoning authority under the supremacy clause of the United States Constitution.
- F. COMMUNITY CORRECTIONAL FACILITY. Community correctional facility means a facility licensed or contracted by the State of Utah to provide temporary occupancy for previously incarcerated persons which assists such persons in making a transition from a correctional institution environment to independent living.
- G. CORRECTIONAL INSTITUTION. A correctional institution means a prison, jail, juvenile detention facility, or juvenile secure facility.
- H. DISABILITY. A disability means a physical or mental impairments that substantially limits one or more of a persons major life activities, including a person having a record of such a problem or being regarded as having such an impairment. The following definitions are incorporated into the definition of disability, to wit:
- i. disability does not include current illegal use of, or addiction to, any federally controlled substance as defined in Section 102 of the Controlled Substances Act, 21 u.f.c. 802, or as defined under Title 58, Chapter 37, Utah Code Annotated, 1953 as amended;
 - ii. a physical or mental impairment includes the following, to wit:
 1. Any psychological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular, reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
 2. Any mental or physiological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; or

3. Such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus, (HIV), mental retardation, emotional illness, drug addiction, (other than addiction caused by current, illegal use of controlled substances) and alcoholism.
- I. DOMESTIC STAFF. Domestic staff means persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing major life activities.
- J. DWELLING. A dwelling means any building or portion thereof containing one or more dwelling units occupied as or designated or intended for occupancy as a residence by one or more families.
- K. DWELLING, MULTIPLE FAMILY. A multiple family dwelling means any building arranged or designed to include three (3) or more dwelling units, each to be occupied by one (1) family.
- L. DWELLING, SINGLE FAMILY. Single family dwelling means any building arranged or designed to include only one (1) dwelling unit.
- M. DWELLING, TWO FAMILY/DUPLEX. Two family dwelling (duplex) means a building arranged or designed to include two (2) dwelling units, each to be occupied by one (1) family.
- N. DWELLING UNIT. Dwelling unit means any building or portion thereof designated, occupied, or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking and sanitation.
- O. EDUCATIONAL INSTITUTION. Educational institution means any elementary or secondary school, seminary, parochial school or private educational institution having a curriculum similar to that ordinary given in grades 1 thru 12 in public school systems. The term educational institution for the purpose of this title does not include post high school educational facilities or educational facilities which include residential facilities for its students.
- P. EDUCATIONAL INSTITUTION WITH HOUSING. Educational institution with housing means a public or private educational institution with residential facilities or housing for its students and or staff.
- Q. ELDERLY PERSON. Elderly person means a person who is 60 years or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

- R. FAMILY. Family means one or more persons related by blood, marriage, adoption, or guardianship, or a group of not more than four (4) unrelated persons living together as a single nonprofit housekeeping unit, together with any incidental domestic staff who may or may not reside on the premises. “Family” does not exclude the care of foster children.
- S. FRATERNITY OR SORORITY HOUSE. A fraternity or sorority house means a building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning who are associated together in a fraternity or sorority that is officially recognized by such institution and who receives lodging and/or meals on the premises for compensation.
- T. HOSPITAL. Hospital means an institution licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and out patient basis by or under the supervision of one or more physicians. A medical clinic or professional office which offers any in-patient or overnight care, or operates on a 24-hour basis shall be considered to be a hospital. A hospital may include necessary support service facilities such as laboratories, out-patient units and training and central services, together with staff offices necessary to operate the hospital.
- U. HOTEL. A hotel is a building designed for or occupied as the more or less temporary abiding place of individuals who are, for compensation lodged with or without meals.
- V. JAIL. Jail means a place of incarceration owned and operated by the County.
- W. JUVENILE DETENTION FACILITY. Juvenile detention facility means a place of temporary detention for delinquent juveniles, which either is owned or operated by the State of Utah or is under contract with the State of Utah.
- X. JUVENILE SECURE FACILITY. Juvenile secure facility means a place of incarceration for delinquent juveniles which is either owned or operated by the State of Utah or is under contract with the State of Utah.
- Y. MAJOR LIFE ACTIVITIES. Major life activities means functions such as caring for ones self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- Z. NON-RESIDENTIAL TREATMENT FACILITY. Non-Residential Treatment Facility is a facility wherein no persons will be housed on an overnight basis, and provides services including rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual

offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants

- AA. NURSING HOME. Nursing home means an intermediate care/nursing facility or a skilled nursing facility licensed by the State of Utah, for the care of individuals who, due to illness, advance stage, disability, or impairment require assistance and/or supervision on a 24-hour per day basis. Such a facility does not include an adult day care facility or adult day care provider in conjunction with residential facilities for elderly persons or a residential facility for persons with a disability.
- BB. PRISON. Prison means a place of incarceration owned or operated by the State of Utah.
- CC. PRIVATE PRISONS. Private prison means a correctional facility established or operated under a contract with the State of Utah under the provisions of the Private Correctional Facilities Act, Chapter 13C, Title 64, Utah Code Annotated, 1953 as amended.
- DD. PRIVATE JAIL. Private jail means a place of incarceration established or operated under a contract with the County.
- EE. PROTECTIVE HOUSING FACILITY. Protective housing facility means a facility either (1) operated, licensed, or contracted by a governmental entity, or (2) operated by a charitable, non-profit organization, where no compensation, temporary, protective housing is provided to:
- (i) Abused or neglected children waiting placement of foster care;
 - (ii) Pregnant or parenting teens;
 - (iii) victims of sexual abuse; or
 - (iv) victims of domestic abuse.
- FF. REASONABLE ACCOMMODATION. Reasonable accommodation means a change in any rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. The following words have the following definitions, to wit:
- (i) Reasonable. Reasonable means a requested accommodation that will not undermine the legitimate purpose of existing zoning regulations notwithstanding the benefit that the accommodation will provide to a person with a disability.
 - (ii) Necessary. Necessary means the applicant must show that, but for the accommodation one or more persons with a disability likely will be denied an equal opportunity to enjoy the housing of their choice.
 - (iii) Equal Opportunity. Equal opportunity means achieving equal results as between a person with a disability and a non-disabled person.

- GG. RECORD OF IMPAIRMENT. Having a record of impairment means having a history of, or having been mis-classified as having a mental or physical impairment that substantially limits one or more major life activities.
- HH. REGARDED AS HAVING AN IMPAIRMENT. A person is regarded as having an impairment when:
- (i) the person has a physical or mental impairment that does not substantially limit one or more major life activity but is treated by another person as having such a limitation;
 - (ii) has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others towards such an impairment; or
 - (iii) has none of the impairments defined in this section but is treated by another person as having such an impairment.
- II. REHABILITATION/TREATMENT FACILITY. Rehabilitation/treatment facility means a facility licensed or contracted by the State of Utah to provide temporary occupancy and supervision of individuals (adults and/or juveniles) in order to provide rehabilitation, treatment or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.
- JJ. RESIDENTIAL FACILITY FOR ELDERLY PERSONS. Residential facility for elderly persons means a dwelling unit that is occupied on a 24-hour per day basis by 8 or fewer elderly persons in a family type arrangement. A residential facility for elderly persons shall not include any of the following, to wit:
- (i) a facility which is operated as a business; provided that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of preparation and maintenance of the facility;
 - (ii) a facility where persons being treated for alcoholism or drug abuse are placed; a facility where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution; or a facility which is a health care facility as defined by Title 26, Section 21, Chapter 2, Utah Code Annotated, 1953 as amended; or a facility which is a residential facility for persons with a disability.
- KK. RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY. Residential facility for persons with a disability means any residence in which more than one person with a disability resides and which is:

- (i) licensed or certified by the Department of Human Services under Title 62 A, Chapter 2, of the Utah Code, licenser for programs and facilities; or
 - (ii) licensed or certified by the Department of Human Health under Title 26, Chapter 21, Health Care Facilities Licensing and Inspection Act.

- LL. RESIDENTS, RESIDENTIAL FACILITY. A resident, residential facility means any building or portion thereof where an individual is actually living at a given point and time and intends to remain, and not a place of temporary sojourn or transient visit.

- MM. RETIREMENT HOME. Retirement home means a residential facility designated, occupied, and intending for residents fifty (50) years of age or older where common facilities for cooking and dining are available to all residents in independent facilities are provided for living, sleeping and sanitation.

- NN. SHELTERED WORKSHOP. Sheltered workshop means an onsite supervised educational or vocational training facility for persons with a disability and does not provide any residential facilities.

- OO. SHELTER FOR THE HOMELESS. Shelter for the homeless means charitable lodging or sleeping rooms provided on a temporary basis (usually on a daily basis) to those members of society lacking other safe, sanitary or affordable shelter. A shelter for the homeless may also include kitchen and cafeteria facilities.

- PP. TRADE OR VOCATIONAL SCHOOL. Trade or vocational school means a post high school educational or vocational training facility.

- QQ. TRANSITIONAL HOUSING FACILITY. Transitional housing facility means a facility owned, operated or contracted by a governmental entity or a charitable, not for profit organization, where, for no compensation, temporary housing (usually three to twenty-four months, but in no event less than thirty days) is provided to homeless persons, while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility shall not include a shelter for the homeless, a dwelling unit provided to a family for the exclusive use as part of a transitional housing program, for more than thirty days, shall not be considered to be a transitional housing facility.

SECTION 26-XV-2. RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY.

1. **Applicability.** This section shall be deemed to govern any facility, residence, or other circumstance that meets the definition of a residential facility as set forth in this ordinance, and the definition of a disabled person as set forth in this Ordinance for the requirements of this section shall govern the same notwithstanding any other provisions of Cedar City Ordinance.

2. Purpose. The purposes of this section are:
 - A. To comply with Title 10, Chapter 9, Section 605, Utah Code Annotated, 1953 as amended; and
 - B. To avoid discrimination and housing against persons with disabilities as provided in the Utah Fair Housing Act and the Fair Housing Amendments Act as interpreted by the Courts having jurisdiction over Cedar City.
3. A residential facility for persons with a disability shall be a permitted use in any zoning district where a dwelling is allowed. Each such facility shall conform to the following requirements:
 - A. The facility shall comply with all building, safety and health regulations, the American with Disabilities Act, fire regulations, and all applicable State core standards and licensing requirements, and any standards set forth in any contract with a state agency.
 - B. The following site development standards and parking standards shall be applicable:
 - i. Each facility shall be subject to minimum site development standards applicable to a dwelling unit in the zone in which the facility is located; and
 - ii. The minimum number of parking spaces required shall be the same as the number required for a dwelling with similar occupancy density in the same zone.
 - C. No facility shall be made available to an individuals who has demonstrated, as a resident, that they:
 - i. Constitute a direct threat to the health or safety of other individuals; or
 - ii. Engage in conduct resulting in substantial physical damage to the property of others.
 - D. Prior to occupancy of the facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:
 - i. Provide a certified copy of such license to the City Recorder;
 - ii. Certify, in a sworn affidavit submitted with the application for a business license, compliance with the Americans with Disabilities Act;
 - iii. Certify, in a sworn affidavit submitted with the application for a business license, that no person will remain in the facility whose behavior has demonstrated a direct threat to the health or safety of other individuals, or whose behavior has resulted in substantial physical damage to the property of others.
 - E. The use permitted by this section is non-transferrable and shall terminate if:
 - i. A facility is devoted to or used as other than a residential facility for persons with a disability; or
 - ii. The license or certification issued by the Department of Human Services or Department of Health terminates or is revoked; or

- iii. The facility fails to comply with the conditions set forth in this section.
- F. No residential facility for persons with a disability, licensed for the housing of persons shall be established or maintained within seven hundred (700) feet measured in a straight line between the closest property lines of the lots or parcels of the following facilities:
 - i. Another residential facility for persons with a disability;
 - ii. A residential facility for elderly with more than five (5) elderly persons in a residents; or
 - iii. Any of the following facilities: Protective housing facility, transitional housing facility, assisted living facility or rehabilitation/treatment facility, a non-residential treatment facility, and elementary schools.
- G. In a R-1 zone no residential facility for persons with a disability shall exceed four (4) residents, not including staff, or the family that owns the residence.
- H. In a R-2 zone, no residential facility for persons with disabilities shall exceed eight (8) residents, not including staff, or the family that owns the residence.
- I. In a R-3-16 or R-3-36 zone, no residential facility for persons with disabilities shall exceed twelve (12) residents, not including staff, or the family that owns the residence.
- J. In a general commercial (GC) zone, no residential facility for persons with disabilities shall be allowed to exceed twelve (12) residents, not including staff.
- K. In the downtown commercial (DC) zone and the central commercial (CC) zone, no residential facility for persons with disabilities shall exceed eight (8) residents, not including staff.
- L. No residential facilities for persons with disabilities shall be permitted in the following zones: industrial and manufacturing I (I&M I); industrial and manufacturing II (I&M II); neighborhood commercial (NC); and the highway services (HS) zone.
- 4. Reasonable Accommodations. None of the foregoing conditions shall be interpreted to limit reasonable accommodations necessary to allow the establishment or occupancy of a residential facility for person(s) with a disability.
 - A. Any person or entity who wishes to request a reasonable accommodation shall make application to the City Manager, or the City Manager's designee. Said applications shall specifically articulate, in writing, the following :
 - i. The name, mailing address, and phone number of the applicant;
 - ii. The nature and extent of the disability;
 - iii. An exact statement of the ordinance or policy from which the applicant Needs a reasonable accommodation;
 - iv. The applicant's proposed reasonable accommodations;

- v. A statement detailing why a reasonable accommodation is necessary; and
 - vi. The physical address of the property where the applicant intends on living.
- B. When considering whether or not to grant a reasonable accommodation, the City Manager or the City Manager's designee shall use the following factors:
- i. The zoning ordinance applicable to the property;
 - ii. The parking, traffic, and noise impact on the neighborhood if the reasonable accommodation is granted;
 - iii. Whether or not the accommodation will be an undue burden or expense to the City;
 - iv. The extent to which the accommodation will or will not benefit the applicant;
 - v. The extent to which the accommodation will or will not benefit the community;
 - vi. Whether or not the accommodation fundamentally alters the City wide zoning ordinance;
 - vii. Has the applicant demonstrated that the accommodation will affirmatively enhance the applicant's life, or ameliorate the effects of the applicant's disability;
 - viii. Without the accommodation, is similar housing available in Cedar City for the applicant or group of applicants; and
 - ix. Given the scope of the accommodation requested, what is the impact on the immediate neighborhood;
- C. Written findings and conclusions of the City Manager, or the City Manager's designee, shall be sent to the applicant within thirty (30) days; and
- D. If a request for a reasonable accommodation is denied, such decision may be appealed to the Board of Adjustments.

SECTION 26-XV-3. RESIDENTIAL FACILITIES FOR ELDERLY PERSONS

1. Purpose. The purpose of this code is to comply with Title 10, Chapter 9, Section 605, Utah Code Annotated, 1953 as amended.
2. “Residential facilities for elderly persons” shall comply with the following requirements:
 - A. The facility shall meet all applicable building codes, safety codes, zoning regulations, the Americans with Disabilities Act, and health ordinance applicable to similar dwellings;
 - B. Minimum site development standards shall be the same as those for a dwelling unit in the zone in which the facility is located;
 - C. The facility shall be capable of being used as a residential facility for elderly persons without structural or landscaping alterations that would change the structures residential character;
 - D. The use granted and permitted by this section is non-transferrable and terminates if the structure is devoted to any use other than as a residential facility for the elderly or if the structure fails to comply with the applicable health, safety and building codes; and
 - E. No residential facility for elderly persons which facility has more than five (5) elderly persons in residence shall be established or maintained within 700 feet measured in a straight line between the closest property lines of the lots or parcels of similar facilities, residential facilities for persons with disabilities protective housing facilities, transitional housing facilities, assisted living facilities, rehabilitation/treatment facilities, or a non-residential treatment facility.

SECTION 26-XV-4. DESIGN STANDARDS FOR PROTECTIVE HOUSING, REHABILITATION/TREATMENT FACILITIES (BOTH RESIDENTIAL AND NONRESIDENTIAL), TRANSITIONAL HOUSING, AND ASSISTED LIVING FACILITIES.

1. Any newly constructed, or remodeled, facility in a residential zone or immediately abutting a residential zone shall comply with the following design standards:
 - A. All setbacks shall be according to the requirements of the residential zone in which the facility sits, or if the facility is in a commercial zone abutting a residential zone the setbacks shall be those of the abutting residential zone;
 - B. All required or accessory parking areas shall be located either in the rear yard area of the lot, or behind the main building or garage;

- C. Notwithstanding the maximum height restrictions of the individual residential zone. New building or additional buildings shall not exceed 110% of the average height of the closest dwellings on both sides of the proposed structure;
- D. In order for new construction to reflect the design and character of the existing neighborhood the following standards shall be met:
 - i. The roof design of the proposed structure or remodel roof shall be a pitched roof of the same slope as the most common roof slope of the homes on the side of the block which the building is proposed on; and
 - ii. The type of exterior materials shall be of traditional home finished materials of brick, siding, or stucco. The use of these materials shall be applied in such a manner as to blend in with the neighborhood where the building is located and not draw undue attention to the building because of the materials, their color and combination being uncharacteristic of the other buildings in the neighborhood.

SECTION 26-XV-5. NON-RESIDENTIAL TREATMENT FACILITIES

- 1. Non- residential treatment facilities shall be a permitted use in the general commercial (GC) zone, central commercial (CC) zone, and downtown commercial (DC) zone. In addition, they shall be permitted as a conditional use in R-3-16 and R-3-36. Non-Residential treatment facilities shall not be a permitted use in a R-1 zone or a R-2 zone. Each permitted facility shall conform to the following requirements:
 - A. The facility shall comply with all building, safety and health regulations, the American with Disabilities Act, fire regulations, and all applicable State core standards and licensing requirements, and any standards set forth in any contract with a state agency.
 - B. The following site development standards and parking standards shall be applicable:
 - i. Each facility shall be subject to minimum site development standards applicable to a business in the zone in which the facility is located; and
 - ii. The minimum number of parking spaces required shall be the same as the number required for an office building with similar size, occupancy, and density in the same zone.
 - C. Prior to occupancy of the facility, the person or entity licensed or certified by the Department of human services or the Department of Health to establish and operate the facility shall:
 - i. Provide a certified copy of such license with the City Recorder;
 - ii. Certify, in a sworn affidavit submitted with application for a business license, compliance with the Americans with Disabilities Act;
 - D. The use permitted by this section is non-transferrable and shall terminate if:

- i. A facility is devoted to or used as other than a residential facility for persons with a disability; or
 - ii. The license or certification issued by the Department of Human Services or Department of Health terminates or is revoked, or the facility fails to comply with the conditions set forth in this section.
- E. No non-residential treatment facility shall be established or maintained within seven hundred (700) feet measured in a straight line between the closest property lines of the lots or parcels of the following facilities:
 - i. A residential facility for persons with a disability;
 - ii. A residential facility for elderly with more than five (5) elderly persons in a residents; or
 - iii. Any of the following facilities: Protective housing facility, transitional housing facility, assisted living facility or rehabilitation/treatment facility, a non-residential treatment facility, and elementary schools.

ARTICLE XVI CEDAR CITY SIGN ORDINANCE (20 pages)

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|---------------------------|---|
| SECTION 26-XVI-1. | Introduction & Purpose |
| SECTION 26-XVI-2. | General Provisions |
| SECTION 26-XVI-3. | Definitions |
| SECTION 26-XVI-4. | Prohibited Signs |
| SECTION 26-XVI-5. | Signs Allowed Without a Permit |
| SECTION 26-XVI-6. | Signs Requiring A Permit |
| SECTION 26-XVI-7. | Sign Permit Procedures |
| SECTION 26-XVI-8. | Signs in Specific Areas |
| SECTION 26-XVI-9. | Temporary Signs |
| SECTION 26-XVI-10. | Measurement of Regulated Sign Area |
| SECTION 26-XVI-11. | Nonconforming Signs |
| SECTION 26-XVI-12. | Removal of Illegal and Unsafe or Abandoned Signs |
| SECTION 26-XVI-13. | Exhibits |

I. SECTION 26-XVI-1 Introduction & Purpose

Signs are an important aspect of the City. Besides providing identification to commercial and industrial businesses, creative and attractive signs show a community's economic vitality. The proliferation and disrepair of signs can deter their effectiveness, as well as cause dangerous conflicts with traffic-control devices. When abused, signs create a visual blight which detracts from the quality of the environment.

The purpose of the sign ordinance is to manage the use of signs as to be compatible with their surroundings, provide effective identification of business establishments, contribute to the protection and the promotion of the health, safety, and welfare of the traveling public and the citizens of the City, preserve and enhance property values, promote healthy commercial and industrial districts, and to enhance the community's aesthetics by establishing standards and regulations for sign design, location, size, type and compatibility.

SECTION 26-XVI-2 General Provisions

This section shall govern and control the erection, remodeling, enlarging, moving, alteration, operation and maintenance of all signs within all zoning districts. It also provides penalties for violations of this section.

(1) All signs erected in Cedar City shall comply with the provisions of this ordinance and applicable codes. All sign permit applications shall demonstrate conformance with the provisions of this ordinance and applicable codes. Where required by the Chief Building Official, a permit application shall be accompanied by drawings stamped by an engineer licensed by the State of Utah. Nothing contained in this section shall be deemed a waiver or variance of the provisions of any other articles or sections in this code applicable to signs. Signs located in areas governed by several articles or sections of this code shall comply with all such articles and/or sections. In the case of contradicting requirements or provisions, the more restrictive shall apply.

(2) All signs must be built of durable and permanent materials. Permanent power sources for signs must be concealed underground away from public view. No sign, fixture or device involving electrical wiring or connections shall be erected or installed except by a contractor licensed in the State of Utah.

(3) No sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the applicable codes.

(4) The Building Inspector shall inspect, as deemed necessary, signs, regulated by this Chapter to ascertain whether the signs have been adequately installed and adequately maintained. Every sign shall be kept in complete operating condition. The landscaped area in which any sign is placed shall be kept free from weeds, garbage and debris. "Maintenance" includes repair of facades where signs have been removed, the painting, cleaning and repairing of signs. Upon discovery of a sign in need of maintenance, the Building Department shall give written notice to the owner stating the item(s) of

needing repair or maintenance. The owner shall have thirty (30) calendar days to make repairs before legal action may be taken.

(5) Failure to abide by and faithfully comply with any and all terms and conditions that may be attached to the granting of any sign permit or variance shall constitute grounds for the revocation of such permit by the Building Department. All remedies provided for in this ordinance shall be cumulative and not exclusive.

SECTION 26-XVI-3 Definitions

(1) A-frame signs: “A-frame sign” means a temporary and/or movable sign constructed with two sides attached at the top so as to allow the sign to stand in an upright position.

(2) Abandoned sign: Any sign applicable to a use which has been discontinued for a period of 30 days.

(3) Alterations: Change or rearrangement in the structural parts or design of the sign, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another adding or deleting words from the copy or changing the size of the letters or figures comprising the copy.

(4) Area of sign: Includes the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character. The area of the sign having no perimeter or border shall be computed by enclosing the entire area within the smallest primary shape possible and calculating the area of that shape.

(5) Animated sign: Sign which involves motion or rotation of any part by mechanical or artificial means or displays flashing or intermittent lights excluding; time, temperature, electronic display screens and electronic message centers.

(6) Awning: Roofed structure constructed of fabric or metal placed so as to extend outward from the building providing a protective shield for doors, windows and other openings with supports extending back to the building, supported entirely by the building.

(7) Banner: Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. Flags shall not be considered banners.

(8) Billboard sign: An off-premise, free-standing outdoor advertising sign.

(9) Building face or wall: All window, door and wall area of a building in one plane or elevation.

(10) Building marker: Any sign indicating the name of a building, date and incidental information about its construction, which is cut into a masonry surface or made of bronze or other permanent material.

(11) Canopy: A roofed structure constructed of fabric or other material placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building and supports extended to the ground directly under the canopy or cantilevered from the building. A canopy may also be separated from the primary structure.

(12) Changeable copy sign or changeable letter panel: A sign which is characterized by changeable copy, whether said sign is a freestanding or wall sign, or whether said sign projects from and is supported by the building.

(13) Directional sign (guide signs): Signs which serve as directional guides to recognize areas of regional importance and patronage. To clarify, three (3) types of areas are intended to be included: 1) Recreational and entertainment centers of recognized regional significance; 2) Major sports stadiums, entertainment centers or convention centers; and, 3) Schools, emergency services, churches; 4) Historic landmarks.

(14) Electronic display screen: Any sign or portion of a sign that displays an electronic image or video, which may or may not include text. This definition includes, but is not limited to, television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.

(15) Electronic message center: A mechanism or device which uses a combination of lights or lighted panels which are controlled electrically and electronically to produce words, symbols or messages which may travel, or remain stationary within a given panel.

(16) Flag: Any fabric, or bunting containing distinctive colors, patterns or symbols.

(17) Flat Sign: A sign erected parallel to and attached to the outside wall of a building and extending not more than twelve inches (12") from such a wall with messages or copy on the face side only.

(18) Free standing sign: A sign which is supported by one or more uprights or braces which are fastened to, or embedded in the ground or a foundation in the ground. Free-standing signs may refer to permanent (i.e. on-premise advertising ground signs) or temporary signs (i.e. project identification or real estate signs).

(19) Graffiti: Any form of unauthorized printing, writing, spraying, scratching, affixing, or inscribing on the property of another regardless of the content or nature of the material used.

(20) Height of sign: The vertical distance measured from the curb to the top of the sign, including the air space between the curb and the sign.

(21) Hours of operation sign: A sign which displays the hours of operation, including "open" and "closed" signs.

(22) Identification sign: A sign displayed to indicate the name or nature of buildings or uses other than commercial or industrial uses on the premises, i.e. schools, churches, hospitals, etc.

(23) Illuminated sign: A sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as part of the sign proper.

(24) Interior sign: A sign located within a building so as to be visible from inside the building in which the sign is located.

(25) Marquee: A permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

(26) Marquee sign: Any sign attached to and made a part of a marquee.

(27) Master identification sign: A sign which identifies only the name and/or logo and/or address of a commercial or industrial complex, the owner and tenants thereof.

(28) Mobile or portable sign: A sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T- frames; balloons used as signs painted on vehicles parked and visible from the public right of way, unless said vehicle is used in the normal day-to-day operations of the business.

(29) Monument sign: A freestanding sign whose face extends vertically from the curb.

(30) Non-conforming signs: Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this Code and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this Code.

(31) Off-premise sign: An advertising sign which directs attention to a use, product, commodity or service not related to the premises.

(32) On-premise or business identification sign: A sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered, or conducted on the premises upon which the sign is located, or to which it is affixed.

(33) Owner: The entity that holds legal possession of a sign, or the owner of the property on which the sign is located.

(34) Pedestal sign: A temporary and movable sign supported by a column(s) and a base so as to allow the sign to stand in an upright position.

(35) Pennant Line: A line suspended in the air with multi-color pennants or hanging strips of material.

(36) Planned Commercial Center: A commercial location where two or more businesses are located in one or more main buildings with recorded shared access and parking easements.

(37) Projecting sign: A sign attached to a building or other structure and extending in whole or in part more than eight (8) inches beyond any wall of the building structure.

(38) Public property: Any property owned or used by a governmental agency.

(39) Roof sign, integral: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

(40) Sign: A sign shall mean and include every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interest of any person, entity, product, or service. The definition of sign shall also include the sign structure, supports, lighting system, and any attachments, ornaments or other features used to draw the attention of observers. This definition does not include any flag

(41) Sign frontage: The length in feet of the ground floor level of a building front or side facing a street that is occupied by an individual business.

(42) Signage plan: A plan designed to show the relationship of signs for any cluster of buildings or any single building housing a number of users or in any arrangement of buildings or shops which constitute a visual entity as a whole.

(43) Snipe sign: A sign for which a permit has not been obtained which is attached to a public utility pole, light pole, or service pole.

(44) Special purpose sign: Sign of a temporary nature other than those established by a business; for the purpose of advertising a special event pertaining to drives or events of a civic, philanthropic, cultural, educational, sporting events, concerts or religious organization.

(45) Street decorations: Pennants, flags, banners, lights and signs that are temporary and promote community festivals, events, activities and gatherings.

(46) Structure: The supports, footings, uprights, bracing, guy rods, cables, and framework of a sign or outdoor display.

(47) Suspended sign: A sign that is suspended from the underside of a horizontal plane surface (such as the underside of a balcony or canopy) and is supported by such surface.

(48) Subdivision or project entrance sign: An identification sign located at the entrance to a residential or commercial development.

(49) Temporary sign: A sign which is intended for use during a specified limited time. Temporary signs, as defined by this ordinance shall include real estate signs and construction signs.

(50) Wall signs: A sign with messages or copy erected parallel to and attached to or painted on the outside wall of a building, or fence and extending not more than twelve inches (12") from the wall. The area of a wall is determined by the height and width of the wall structure without consideration of the non-structural components attached to the wall.

(51) Wall murals: Murals which are purely decorative in nature and content, and do not include advertising by picture or verbal message are exempt from sign regulation.

(52) Window sign: A sign installed upon or within one foot of a window for the purpose of viewing from outside of the premises. This term does not include merchandise displayed.

(53) Zone districts. Refers to land use regulatory zones under the zoning ordinance of Cedar City.

(54) Zone lot: A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

SECTION 26-XVI-4 Prohibited Signs

The following signs are prohibited:

(1) A-frame signs not addressed in Section (9 - Temporary Signs) .

(2) Animated signs.

(3) Banners. All banners except those expressly permitted under this code. (Temporary Signs).

(4) Flashing signs or lights. Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Flashing light sources are prohibited. Electronic message centers are allowed.

(5) Graffiti.

(6) Hazardous signs. No sign shall be erected or maintained which, due to structural weakness, design defect, or other reason, constitutes a threat to the health, safety and welfare of any person or property.

(7) Inflatable signs or displays. Any inflatable object used for signage or promotional purposes except as permitted by this ordinance for a grand opening or special promotion.

(8) Off-premise signs. Off-premise signs are not allowed, except billboards, planned commercial center signs and street decorations as described in this ordinance.

(9) Signs creating traffic hazards. No sign shall be erected at or near any public street or the intersection of any streets or on any curb, sidewalk, hydrant, bridge, in such a manner to create a traffic hazard by obstructing vision or at any location where it would interfere with, obstruct the view of, or be confused with any authorized traffic sign.

(10) Signs resembling traffic signs or signals. No sign shall be constructed, erected, or maintained which purports to be or resembles an official traffic sign or signal except those signs

(11) Snipe signs

(12) Spotlights directed into the night sky except as part of an approved promotional period for temporary signs.

(13) Wind signs. Any propeller, whirling, or similar device which is designed to flutter, rotate, or display other movement under the influence of the wind. Pennant signs, street decorations and wind signs on residential property that do not advertise commerce shall be allowed.

(14) Obscene Signs. Signs that exhibit words or pictures or an obscene nature.

SECTION 26-XVI-5 Signs Allowed Without a Permit

(1) The following signs are permitted within the City subject to the limitations and requirements, as noted, and the standards described in this ordinance. Sign permits are not required for these signs unless the limitations and requirements of this section cannot be met. In such cases, a sign permit is required. Exempt signs shall only be illuminated by indirect lighting, except, as specifically allowed otherwise within this section, and shall not be included in the limitation on the number of signs allowed per parcel nor shall they be included in the computation of aggregate permitted sign area unless otherwise stated in this section.

(a) Apartment, hotel, or motel sign: One vacancy and/or no vacancy sign, which shall not exceed four (4) square feet in area. Such sign may be internally illuminated.

(b) Building interior sign: Any sign located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, which is designed and located to be viewed by patrons. Such sign may be illuminated.

© Directional or Instructional sign: A sign which provides direction or instruction and is located entirely on-premise and which does not in any way advertise a business and shall not exceed six (6) square feet in area. These signs may identify restrooms, public telephones, walkways and parking directions.

(d) Display sign: A sign within a showcase or storefront and, if directly illuminated, shall conform to this ordinance.

(a) **(e) Flag:** Flags, emblems or insignia of any nation, or political subdivision may be displayed in a manner whereby it is not construed as an attraction- gaining device for the advertising of a product or use. Such a flag shall not be flown from a pole the top of which is more than 40 feet in height. A corporation flag, limited to one (1) flag per parcel of land, when flown in conjunction with the State or National flag.

(f) Gasoline price signs: One double-faced sign including each type of fuel sold is permitted. The area of the sign may not exceed 16 square feet. One additional gasoline price sign is permitted if the property has more than three hundred feet (300') of lineal street frontage on a dedicated public street

(g) Home occupation sign or nameplate: Such sign shall not exceed 1.5 square feet in area denoting only the name and profession of an occupant on the premise where the sign is placed.

(b) **(h) Integral sign:** A sign indicating the name(s) of a building, dates or erection, monumental citation, commemorative tablets and the like, and made an integral part of the structure. Such shall not exceed ten (10) square feet in area, and shall be carved into stone, concrete, or similar material or made of metal, bronze, aluminum, or other permanent type construction material.

(I) Menu sign for drive-thru and dine-in restaurants shall not be designed to be read from the public right-of-way nor to attract attention to the site from the right-of-way. Such sign may be illuminated.

(j) New business signs: may be banners for up to eight weeks pending permanent sign (see Temporary Sign section).

(k) No trespassing sign: Such sign regulating the use of property such as no hunting, no fishing, etc., and shall be no more than two (2) square feet.

(l) On-premise, individual lot development signs: Individual lots may have signs identifying businesses developing the lot. The signs shall not be erected prior to issuance of a valid building permit and must be removed before final occupancy. Signage shall not exceed one hundred (100) square feet, with the height not to exceed ten (10) feet.

(m) On-premise, subdivisions and commercial construction development signs: Subdivisions and commercial construction sites may have promotional signs placed on the premises. The maximum size of any sign shall be ninety-six (96) square feet with the height not to exceed twelve (12) feet. The total square footage of all signs shall not exceed one hundred-forty (140) square feet. The signs shall not be erected prior to the approval of the subdivision or construction by the City and shall be removed within 5 years of issuance of the first building permit, occupancy or upon sale of the last lot, whichever comes first.

(n) Political Signs.

(o) Public sign: A sign of a noncommercial nature and in the public interest, installed by, or on the order of, a unit of government, such as but not limited to a safety sign, danger sign, trespassing sign, traffic sign, memorial plaque, sign of historical interest, information sign or, a sign of public utility agencies or a construction contractor serving as a directional or safety aid, street sign, road work sign, etc.

(p) Real estate sign (individual lots): In residential zones, the sign area shall not exceed six square feet and shall not exceed six feet in overall height. In commercial and industrial zones, the sign area shall not exceed thirty-two (32) square feet and shall not exceed eight (8) feet in overall height. Off-premise, directional signs shall be permitted for special promotional events that are temporary in nature, (i.e parade of homes).

(q) Vehicle signs: Signs painted or attached directly on vehicles advertising the business establishment using the vehicle, in the normal course of business and not as off-premise advertising.

ix. **® Window sign:** Shall be affixed to the window or window frame. Multiple window signs shall be permitted but the total area of all window signs shall not cover more than twenty-five percent (25%) of the window area upon which it is placed.

(B) SECTION 26-XVI-6 Signs Requiring A Permit

(1) Monument Signs. The use of monument signs is encouraged. The following shall apply:

(a) Monument signs are allowed for any size parcel provided that the parcel has a minimum thirty (30) feet of frontage. The sign area allowed is determined by the amount of street frontage along which the sign is to be placed and shall be determined with the ratio of one (1) square foot of sign area for each foot of lineal frontage, beginning with 30 square feet and shall not to exceed two hundred (200) square feet. Multiple monument signs may be used along a street frontage as long as the combined area of the signs does not exceed two hundred (200) square feet. However, signs must be separated by at least 100 feet as measured along the street frontage.

(b) Monument signs must have at least a one foot pedestal. The height to the top of the sign shall not exceed twenty (20) feet as measured from the base of the sign at curb level. Monument signs shall be behind the street right-of-way and shall be placed a minimum of fifteen (15) feet from a driveway and thirty (30) feet from a corner lot line so as not to impede the view of traffic.

© No monument sign shall be more than three (3) feet in height if it is erected at any vehicular traffic intersection within a triangular area formed by the intersection of straight lines extended from the back of curb and a line connecting them at points 30 feet from the intersection.

(2) On-Premise Freestanding signs. When using a freestanding sign, the following shall apply:

- (a) One free standing sign is permitted. Sign area shall not exceed one hundred (100) square feet. In cases where the street frontages exceed one hundred (100) lineal feet, the sign area may increase at the ratio of one (1) square foot of sign area for each additional one (1) lineal foot of frontage, not to exceed two (200) square feet. Sign height shall not exceed thirty (30) feet. Free standing signs shall not extend over the street right of way. One additional on premise freestanding sign is permitted if the property has more than three hundred feet (300') of lineal street frontage on a dedicated public street. The additional sign shall not be higher than seventy percent (70%) of the first sign and shall be at least one hundred feet (100') apart.

(b) Reader boards, changeable copy areas, gasoline price signs, electronic message centers and electronic display screens are allowed and shall be considered as a portion of the total sign copy area.

© Freestanding signs shall not extend over any pedestrian or vehicular access. Free standing sign bases shall not obstruct the view of vehicular traffic at intersections.

(d) Interstate 15 Interchanges Areas. (Areas defined in Section 13 Exhibits). On parcels located within the Interstate 15 areas, signs may have a height not greater than fifty (50) feet above the nearest travel way (traffic lane) of Interstate 15. Sign area shall not exceed two hundred (200) square feet. In cases where the street frontages exceed one hundred (100) lineal feet, the sign area may increase at the ratio of one (1) square foot of sign area for each additional foot of frontage, not to exceed three (300) square feet.

(3) Wall Signs. Wall signs are encouraged as the primary form of identification for business uses in the City.

(a) Signs may not occupy more than twenty percent (20%) of the face of the front wall to which they are attached, nor more than fifteen percent (15%) on the face of a side or rear wall. If a sloping facade or roof exists, the signs may not exceed twenty percent (20%) of the face of the front wall to which they are attached, nor more than fifteen percent (15%) on the face of a side or rear wall.

(b) Wall signs on sloping roofs shall be erected so as to appear as a sign applied to a similarly vertical wall surface and finished in such a manner that the visual appearance from all sides is such that they appear to be part of the building. All such signs shall be installed or erected so there is no visual support structure such as guy wires or braces.

© No part of any wall sign or of the sign structure shall project above or below the highest or lowest part of the wall upon which the sign is mounted or painted.

(d) No wall sign, including any light box or structural part, shall project more than twelve (12) inches from the face of the building to which it is attached.

(e) Projecting signs are permitted if they are not more than four (4) feet from the wall, not more than ten (10) square feet in area, and not lower than ten (10) feet above the sidewalk.

(4) Billboard Signs. Billboard signs are allowed only along the I-15 freeway corridor. The following shall apply:

(a) Billboard signs shall be allowed only on property adjacent to and fronting I-15 or I-15 frontage roads and on property zoned industrial. These signs must be oriented for freeway viewing only and located within 100 feet of the freeway right of way.

(b) Maximum area of one side of a sign (whether single or double faced) shall be 675 square feet, with the face not exceeding forty-eight (48) feet in length or fourteen (14) feet in height.

© Embellishments shall be permitted but the total area of the embellishments shall not exceed ten percent (10%) of the total permitted sign area. Embellishments may extend above and outward from the billboard but may not extend below the billboard.

(d) Maximum height of signs shall be thirty (30) feet above the most adjacent grade of the traveled way of the Interstate. Embellishments may extend above the maximum height, but may not extend more than five feet (5') above the height of the billboard.

(e) No sign shall be erected within 1,000 feet of another existing billboard sign. No sign shall be erected within two hundred (200) feet of a residential zone.

(f) Lighting shall be designed to light only the sign and not neighboring property.

(5) Suspended Signs Suspended signs may be used in place of wall signs. The following shall apply:

(a) Any sign may not exceed 15% of the flat wall of the tenant space.

(b) No sign may project beyond the outside limit of the marquee, canopy or facade to which it is attached.

© Any sign must have at least a ten (10) foot clearance above the sidewalk or any landscaped area.

(6) Awning Signs Awning signs are allowed. The following shall apply:

(a) Awning signs shall be limited to single story buildings or to the first level only of multi-story buildings.

(b) The area of awning signs shall be a maximum of 15% of the primary wall upon which the awning is attached.

© Awning signs shall not project above the roof line, defined as the highest part of the vertical wall.

(d) Awning signs shall maintain a minimum clearance of 7 feet to the bottom of the valance and 8 feet to the frame above the sidewalk and comply with all other clearance requirements.

(7) Canopies Signs for canopies not connected to the primary structure over gas islands are allowed. The following shall apply:

(a) Sign copy, corporate logos, etc. may be a maximum of fifty percent (50 %) of each face used for signage.

(b) Up to 3 sides of the canopy may be used for signs.

© Canopies may not exceed twenty (20) feet from grade and no canopy fascia shall exceed four (4) feet in height.

(d) Individual letters, logos, or symbols may not exceed three (3) feet in height or project out from the surface of the canopy more than eight (8) inches or project above or below the canopy face.

(8) Planned Commercial Centers:

(a) Where businesses are located in a planned commercial center, monument and freestanding signs are limited to one sign per commercial area. That sign shall be for the purpose of identifying all businesses within the planned commercial center and shall have a maximum area of one hundred (100) square feet. In cases where the lineal street frontage exceeds one hundred (100) square feet, the sign area may increase at the ratio of one (1) square foot of sign area for each additional foot of frontage, not to exceed two hundred (200) square feet. One additional monument or freestanding sign in a planned commercial center is permitted if the planned commercial center has more than three hundred feet (300') of lineal street frontage on a dedicated public street. The additional sign shall not be higher than seventy percent (70%) of the first sign and shall be at least one hundred feet (100') apart.

(b) Planned Commercial Center signs may be off-premise signs if the sign is located on the property of one of the businesses in the Planned Commercial Center or property jointly owned by the Planned Business Center.

SECTION 26-XVI-7 Sign Permit Procedures

(1) No person shall erect, install, replace or repair any sign requiring a permit, whether it be temporary or permanent in nature, without obtaining a sign permit from the Building Department, except as outlined in this ordinance. This includes new signs, signs to be added to existing buildings or uses, and existing signs that are to be enlarged, changed in sign structures or a change in business identification. When new buildings or developments are presented for Project Review, signs for the development shall be reviewed concurrently.

(2) Required Permit Information An application for a sign permit and site plan will be reviewed by the Building Department and shall be accompanied by the following:

(A) Monument, Freestanding and Billboard Signs A site plan indicating all existing and proposed signs on the site, including the relationship of sign(s) to buildings, property lines, setbacks from public rights-of-way, intersections, easements and driveways. The plan shall also include sign elevation indicating height, overall dimensions, colors, materials, proposed copy and illumination specifications. Details of sign construction including electrical plan, foundation design and property frontage shall also be included.

(B) Wall, Suspended, Awning and Canopy Signs Applications shall include drawings showing the square foot dimensions of the building and the sign and how the sign will appear on the building from the street or parking area, and details of sign construction and any electrical plans.

(C) Temporary Signs A site plan indicating all existing and proposed signs on the site, including the relationship of sign(s) to buildings, property lines, setbacks from public rights-of-way, intersections, easements and driveways. The proposed time period for display shall be included.

SECTION 26-XVI-8 Signs in Specific Areas

(1) Because of the unique character and special standards and/or requirements of certain areas, signs within these areas shall also have specific sign standards set forth below.

(2) Historic Downtown Area. (Area defined in Section 13 Exhibits).

(a) The overall facade composition, including ornamental details and signs shall be coordinated. Signs shall be proportional to the building, such that they do not dominate the appearance. In no case shall a sign obscure the architectural features or details of the building. Simple letter styles and graphic designs are more appropriate.

(b) Flush mounted wall signs are preferred. Flush mounted wall signs may not exceed twenty percent (20%) of the face of the wall to which they are attached.

© Projecting signs are permitted if they are not more than three (3) feet from the wall, not more than eight (8) square feet in area, and not lower than eight (8) feet above the sidewalk.

(d) Window signs may be painted or hung from inside but should not obstruct the view.

(e) Monument signs may be permitted on lots having set-back space.

(f) Awning signs are permitted. Awning colors shall be compatible with historic theme, which includes, but are not limited to, maroon, forest green, navy blue. Lettering shall be in scale and placed on the valance portion of the awning.

(g) Suspended signs are permitted. No suspended sign may project beyond the outside limit of the marquee, canopy or facade to which it is attached. Suspended signs shall not be lower than eight (8) feet above the sidewalk and shall be made of wood, metal or heavy canvas. Wood and metal suspended signs shall be three (3) dimensional or routed. The total square footage of all suspended signs shall apply to the maximum allowable square footage for flush mounted wall signs as stated in Section 8-2-b.

(h) Sign materials shall be compatible with building facade. Signs shall be three (3) dimensional or routed and made of wood and metal.

(I) Simple sign designs are preferred. Symbols and simple type faces that are in keeping with the historic are preferred. Lettering shall not exceed twenty-four inches in height.

(j) Lighting design shall enhance the entire building. Sign lighting shall not overwhelm the architectural features of the building. Light shall be directed at the sign from an external source. Internal illumination is not permitted, except for theatre marquees. All sign plans shall be reviewed by the Downtown Architectural Review Committee.

SECTION 26-XVI-9 Temporary Signs

(1) A temporary sign is one which is intended for use during a specified, limited time as determined by the City Building Official. Temporary signs shall not be placed in or over the public right-of-way or on telephone poles, fences, or trees or cause a public nuisance of any kind. They must be firmly secured to the building or ground. Temporary signs may be attached to existing permanent signs. Temporary signs may cover or obscure an existing permanent sign only if the business has changed hands or changed names. No off-premise signs are allowed except those specifically noted and regulated for real estate purposes or otherwise noted in the ordinance.

(2) Temporary signs requiring a permit.

(A) Directional signs for Subdivisions/PUDs These signs need written permission of the property owner presented to the Building Official before they are erected.

(I) Three (3) directional signs are allowed for a developer to guide traffic to the site and should contain only the name, address, and direction of the development. They are limited to twenty-four (24) square feet in area and six (6) feet in height and must be placed entirely upon private property and ten (10) feet from the street right-of-way.

(ii) Such signs shall be removed within six (6) months of final plat approval of the project or immediately upon the sale of the last lot, whichever comes first.

(B) Going Out of Business. A business may apply for a special permit in order to facilitate the liquidation of inventory for a closing business for a period not to exceed 90 calendar

days. Such a permit will be allowed only once for any business license. A banner or portable sign is allowed during this period.

© **A-frame sign** A sign which does not exceed six square feet per side and is not more than forty-two inches (42") high. There may be one sign A-frame per business and the sign must be located adjacent to business, on premise.

(3) Temporary signs allowed without a permit

(A) Holiday periods A business may advertise a special service, product or sale during holiday periods without a permit:

(B) Religious functions may advertise the function no longer than five (5) days) before the event.

(C) Grand opening signs Temporary signs announcing the initial opening of a business, or the relocation, or change of ownership of an existing business may be allowed provided that the event shall not continue for more than thirty (30) days and that the sign is erected within the first year of operation. There shall be no more than two (2) signs allowed per business. Banners and portable signs may be permitted. Signs must comply with size and location standards.

(D) Special promotion periods. A business may hold a monthly special promotion periods Each period may not exceed thirty (30) days in length. A banner, portable, or inflatable sign is allowed during this time.

SECTION 26-XVI-10 Measurement of Regulated Sign Area

(1) Monument Signs The measurement area of a monument sign shall include all parts of the sign or structure that contains identification (words and symbols) and information. The height of a monument sign shall be the distance from the highest point of the sign to the height of the street curb or sidewalk.

(2) Freestanding Signs The measurement area of a freestanding sign shall include all parts of the sign or structure that contains identification (words and symbols) and information. The height of a freestanding sign shall be the distance from the highest point of the sign to the base at ground level of the sign.

(3) Wall Signs Sign copy mounted or painted on a background panel or area distinctly painted, textured or constructed as a background for the sign copy shall be measured as area contained within the outside dimensions of the background panel or surface. Any illuminated bands or illuminated structures which contain sign copy, corporate logos, etc. are by definition wall signs in their entirety and as such may not exceed twenty percent (20%) of the face of the front wall to which they are attached, nor more than fifteen percent (15%) on the face of a side or rear wall

(a) For sign copy mounted as individual letters and/or graphics against a wall or fascia of a building or other structure that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, the area shall be defined as the area enclosed by the smallest single rectangle that will enclose all sign area.

(b) For sign copy on an illuminated sign or illuminated architectural element of a building, the entire illuminated surface or illuminated architectural element which contains sign copy shall be counted as sign area.

(4) Multiple Face Signs

(a) Single Panel - Measure the area of the single face only.

(b) Double panel - If the interior angle between the two faces is 45 degrees or less, the area to be measured will be the area of one face only. If the angle between the two sign faces is greater than 45 degrees, the sign area to be measured shall include the sum of the area of the two faces.

(c) Three or More - The sign area shall be the sum of the areas of the three or more faces.

SECTION 26-XVI-11 Nonconforming Signs

(1) Existing Signs For any sign existing in the City on (The effective date of the ordinance), the Building Department will determine if the sign is conforming or non-conforming according to this ordinance and issue a notice to the owner.

Alterations: A nonconforming sign shall not be raised, moved, replaced, extended or enlarged unless said sign is changed so as to conform to all provisions of this chapter. Alterations shall also mean the changing of the text of the sign when there is a major change in the use of the property. A major change in use occurs whenever the use changes from one of the following land use categories to another: office, retail, food/restaurant service, personal service, entertainment, lodging, repairs, institutional, public utility, manufacturing, and warehouse uses. Any major change in use requires any affected nonconforming sign to conform to all the provisions of this chapter. Alterations shall not be interpreted to include changing the text of a marquee.

Restoration: Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, collision or any other cause beyond the control of the owner, to the extent of more than sixty percent (60%) of its assessed value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this chapter or shall be removed.

Maintenance of Legal Nonconforming Signs: Nonconforming signs shall be required to comply with the requirements of this chapter when any change, other than normal maintenance, is made to the sign.

SECTION 26-XVI-12 Removal of Illegal and Unsafe or Abandoned Signs

(1) Abatement or removal of signs. If, upon inspection, the Building Official determines a sign, or awning to be unsafe, dangerous non-maintained, or abandoned, the Building Official may issue a written order to the owner of the sign stating the nature of the violation and requesting them to repair or remove the sign within fourteen (14) calendar days after receipt of notice from the City. In cases of emergency, the Building Official may cause, at the owners expense, the immediate removal of dangerous or defective signs. Signs removed in this manner must present an imminent hazard to the public safety.

(2) Any person who hangs, posts, or installs a sign which requires a permit under this Ordinance, and who fails to obtain a sign permit before installing the sign, shall be guilty of an infraction, fined accordingly and ordered, in writing, to remove the sign within fourteen (14) days.

(3) After obtaining a court order, the Building Official may cause the removal of an illegal sign or for failure to comply with the written orders of removal or repair at owner's expense.

SECTION 26-XVI-13. Exhibits

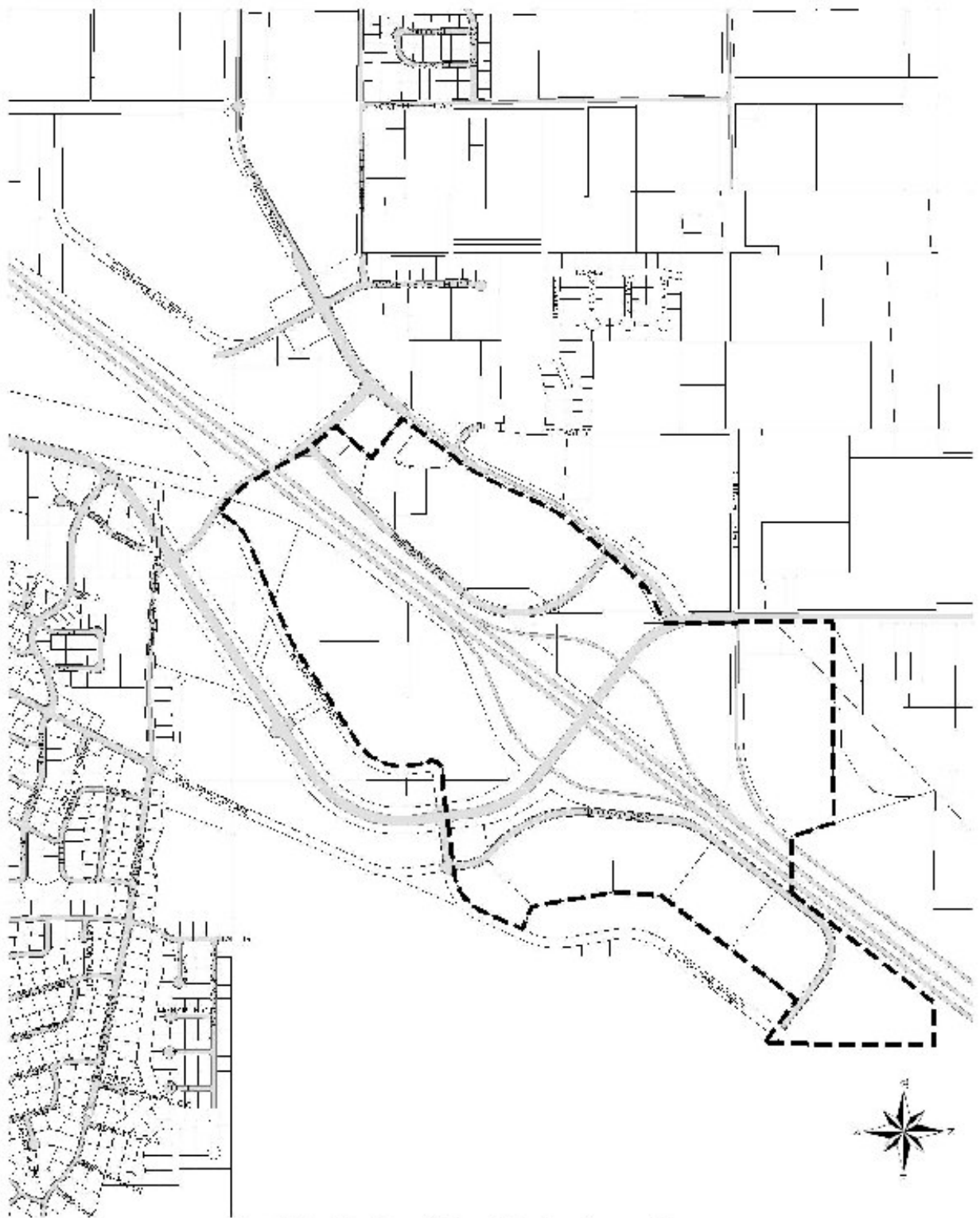


Exhibit A - North Interchange

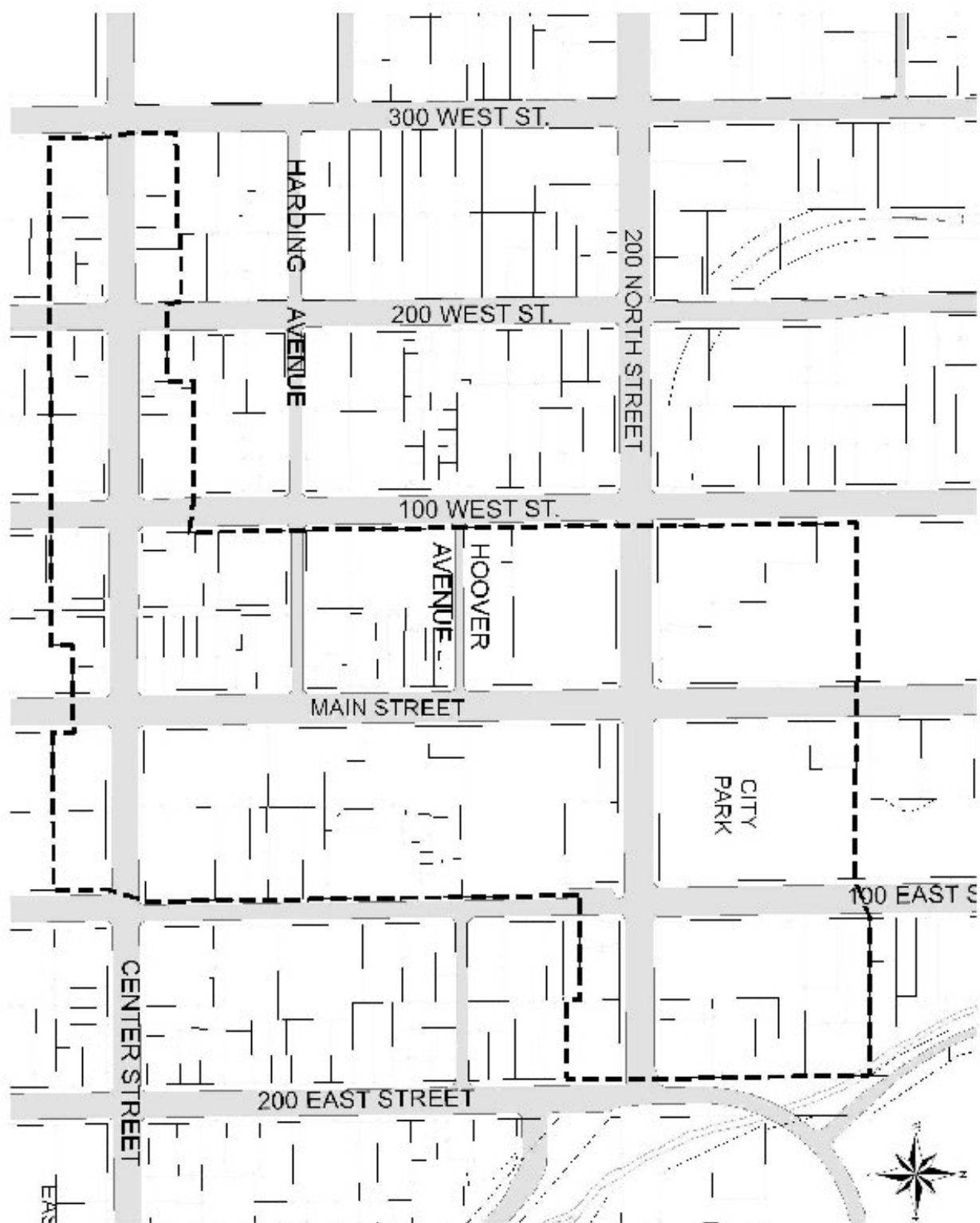


Exhibit D - Historic Downtown Area